

# EXHIBIT 1

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESale PRICE LITIGATION

MDL NO. 1456  
Civil Action No: 01-12257-PBS

**AFFIDAVIT OF JEFFREY BENNETT IN SUPPORT OF NON-PARTY CARDINAL  
HEALTH'S MEMORANDUM IN SUPPORT OF ITS MOTION TO PROTECT  
CONFIDENTIAL PROPRIETARY COMMERCIAL INFORMATION**

I, Jeffrey Bennett, depose and say as follows:

1. My name is Jeffrey Bennett. I am an attorney employed by non-party Cardinal Health, Inc. ("Cardinal") in Dublin, Ohio. I am employed as the General Counsel for Cardinal's Health Care Supply Chain Services-Pharmaceutical business unit. I submit this sworn Affidavit in support of Cardinal's Motion To Protect Confidential Proprietary Commercial Information currently included in Exhibit B of the Plaintiffs' First Amended Consolidated Complaint in the above-captioned matter. I have personal knowledge of the matters set forth herein.

2. Plaintiffs in the above-captioned litigation attempted to file Exhibit B under seal, at least in part, because the Exhibit contained Cardinal information designated by Cardinal as "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL." Cardinal originally produced this information to the parties in the above-captioned litigation, pursuant to various subpoenas served on it by the parties and in reliance upon the protections afforded by the Protective Order in place at the time which was subsequently amended. Cardinal's designations of confidentiality were made in good faith and have not been challenged by any of the parties.

3. If the Court does not permit the sealed filing of Exhibit B, Cardinal's proprietary data will be exposed causing commercial harm to an innocent third party. Exhibit B contains

both commercially sensitive and proprietary data regarding acquisition costs of a large portion of Cardinal's inventory of products that it, in turn, sells to retail pharmacies among others.


4. Cardinal operates in an extremely competitive marketplace that includes other large pharmaceutical product wholesalers for whom much useful information could be derived from the information contained in Exhibit B.

5. Cardinal carefully maintains the confidentiality of its commercial information and consistently takes steps to prevent its disclosure to competitors who could gain a business advantage through an understanding of Cardinal's purchase and sale patterns.

Signed under the pains and penalties of perjury this 6 day of July, 2007.

  
Jeffrey Bennett



  
JENNIFER ROBISON NORRIS, ATTORNEY AT LAW  
NOTARY PUBLIC, STATE OF OHIO  
My commission has no expiration date  
Section 147.03 R.C.

7-6-07

**CERTIFICATE OF ORIGINAL SIGNATURE**

I hereby certify that I have retained the paper document bearing the original signature of  
Jeffrey Bennett.

/s/ Brooks A. Ames